

BRUCE A. HANCOCK, JR.,
Plaintiff,
v.
TBCPM LLC d/b/a The Broadway
Clinic, and ROBINSON HOOVER &
FUDGE PLLC,
Defendants.

Before the Court is Magistrate Judge Suzanne Mitchell’s Report and Recommendation [Doc. No. 6] recommending that the Court grant in part and deny in part Plaintiff Bruce A. Hancock, Jr.’s Application to Proceed in District Court Without Prepaying Fees or Costs (“Application”) [Doc. No. 2]. The Report and Recommendation concludes that Hancock has sufficient discretionary income to pay the \$402.00 filing fee in this matter and should be required to make partial payments of \$150.00 per month for two months, followed by a final payment of \$102.00. Judge Mitchell advised Plaintiff of his right to file an objection to the Report and Recommendation by June 18, 2021, and that failure to timely object would waive his right to appellate review of both factual and legal issues contained in the Report and Recommendation. [Doc. No. 6 at 5].

Plaintiff filed an Objection to the Report and Recommendation on June 21, 2021 [Doc. No. 9]. In the Objection, Plaintiff does not dispute that he has sufficient income to

pay the filing fee; however, he appears to ask the Court to consider that he may incur unexpected expenses from day to day.

Having reviewed the matter *de novo*, consistent with 28 U.S.C. § 636(b)(1), the Court finds that Judge Mitchell's conclusions are fully supported by the law and facts and that no further analysis is necessary here. Accordingly, the Court ACCEPTS and ADOPTS the Report and Recommendation [Doc. No. 6] in its entirety and GRANTS IN PART and DENIES IN PART Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs [Doc. No. 2].

Plaintiff is ORDERED to make two monthly payments of \$150.00 to the Clerk of Court, followed by a final payment of \$102.00. The first payment of \$150.00 is due **August 2, 2021**, the second payment of \$150.00 is due **September 1, 2021**, and the final payment of \$102.00 is due **October 1, 2021**. The Clerk of Court shall not issue process until the first payment of \$150.00 is made.

Plaintiff is warned that failure to comply with this Order or the required payment schedule may result in this case being dismissed without prejudice, which in certain circumstances may operate as a dismissal with prejudice as to certain claims or defendants. Plaintiff is further advised that notwithstanding any filing fee paid, the Court shall dismiss at any time all or any part of such complaint which (1) is frivolous or malicious, (2) fails to state a claim on which relief can be granted, or (3) seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B).

IT IS SO ORDERED this 13th day of July 2021.

A handwritten signature in black ink, appearing to read "Jodi W. Dishman", written over a horizontal line.

JODI W. DISHMAN
UNITED STATES DISTRICT JUDGE